

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Tuesday, February 22, 2022 at 9:33 a.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE MARCH 10, 2022, REGULAR MEETING OF THE WORKERS' COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA

The members of the Workers' Compensation Commission for the State of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on March 10, 2022.

Members Present: Chairman Russell and Commissioner Biggs

Others in attendance on behalf of the Commission: Alexander Watkins.

After roll was taken, Commissioner Russell announced the presence of a quorum. The meeting was called to order at 1:00 p.m.

A. The Commissioners will observe and may participate in the Self-insurance Guaranty Fund Board discussion of the following agenda items, but no action will be taken by the Commission:

1. Board roll call and determination of quorum.
2. Workers' Compensation Commission roll call and determination of quorum.
3. Introduction of guests.
4. Discussion and approval of Board minutes.
5. Legislative update, discussion, and possible action.
6. Andrea Delling update, discussion and possible action as to general finances, including:
 - a. ACH Deposits
 - b. Account Values
 - c. OMES Budget
 - d. How payments are going on 701 Accounts
 - e. Operating Budget FY2022
7. Discussion and possible action regarding the Self-insured Guaranty Fund Board's enlistment into the Self-insured Guaranty Funds of America.

8. Third Party Administrator **Combined Report** as to Self-insurance Guaranty Fund Claims and Trust Cases:

8a. Self-Insurance Guaranty Fund Report of claims arising pursuant to statutory authority of the Self-Insurance Guaranty Fund Board for the private employers approved to participate in the self-insurance program designated by account number of 675 and residual account 705. Effective November 1, 2019, 85A O.S. Section 98 requires the use of the **net fund balance** technique rather than the prior **cash fund balance** method to initiate an assessment of the Self-Insureds. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

8b. Trust Cases Report – These cases have been assigned to the Board by the Workers’ Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

8c. Trust Cases Report – Discussion and possible action under, 85A O.S. Section 99, providing for the **transfer of “excess proceeds”** of 701 account balances to the Self-Insured Guaranty Fund account 675/705. Mr. Fisher will report on the claims analysis of older 701 accounts. Mr. Fisher will report his findings and make recommendations to transfer certain funds to the **Self-Insurance Guaranty Fund**. Based on this determination, the Oklahoma Self-Insurance Guaranty Fund will be making application for statutory transfer of these excess proceeds from the Oklahoma Workers’ Compensation Commission to the Oklahoma Self-Insurance Guaranty Fund pursuant to 85A O.S. § 99(B).

None this meeting.

Interested parties may address the Board and/or present information in writing as to whether the excess proceeds should or should not be transferred to the Self-insurance Guaranty Fund.

9. Possible adjournment of the Workers Compensation Commission.

10. Discussion and possible action on the following individual **Trust Cases** which have been assigned to the Board by the Workers’ Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701:

General Motors, claims by employees:

Billy Thomas
Judy Smith
Lupy Goodlin
Jo Ann Waltrip
Opal Cade

Texoma Peanut, claims by employees:

Lloyd Ormand

Food Industry Group #75199, claims by employees:

Verna Fisher vs Pruett Foods

Penloyd LLC # 19456, claims by employees:

Terry Stalnecker

Southwestern Bell, claims by employees:

Konstance Mitchell CC# 1985-2464A

BFN Operations, claims by employees:

Maria Garcia

Tri-B Nursery, claims by employees:

Ignacio Belmonte

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these with the Board's attorneys.
- (b) Discussion in executive session.
- (c) Return to open session.
- (d) Motion and second to take any action deemed necessary as a result of Executive Session.

11. Discussion and possible action regarding inquiry from Oak Point Partners, Inc., regarding the purchase of residual assets of the following employers held in trust account 705:

BFN Operations, LLC, Asset Purchase Agreement dated 9-1-2020

Ventures Stores, Inc., Asset Purchase Agreement dated 9-28-2021

Consolidated Freightways Corporation, et al., Asset Purchase Agreement dated 9-1-2012

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these with the Board's attorneys.
- (b) Discussion in executive session.
- (c) Return to open session.
- (d) Motion and second to take any action deemed necessary as a result of Executive Session.

12. Discussion and possible action on the following claims against the **Self-insurance Guaranty Fund** designated by account number 675 and residual account 705:

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these claims with the Board's attorneys.
- (b) Vote to return to open session.

(c) Take any action deemed necessary as a result of Executive Session.

Employee

Joe Ortiz
Lonnie Swarer
Raymond Vier
Harlin Sanders
Cindy Nickell-Hutchins
Howard Barnes
Robin Johnson
Pam Crain
Konstance Mitchell

Employer

Ark Ramos
Big Four Foundries
Farm Fresh Inc
Hale Halsell
JP Emco
Passmore
Thornapple Valley
Thornapple Valley
Southwestern Bell

13. Discussion and possible action regarding minutes of executive sessions.

14. Comments from Board Members.

15. Adjournment

B. ADJOURNMENT of the CommissionChairman Liotta

Motion: Commissioner Biggs moved to adjourn.

Second: Chairman Russell

Those voting aye: Chairman Russell and Commissioner Biggs.

There being a majority of the members present voting in favor of the motion, the motion carried. The meeting adjourned.